



December 10, 2007

The following consists of concerns by the ACLU of Iowa as it pertains to The Proposed Decisionmaking Draft Items:

#1, Section 5 on Page 3: Page 3, line 14; Either strike the word “exact” OR the word “same” [see line 18 – “that same incident”]. Line 17: change the word “shall” to “may”.

#1, Section 6: Page 5, line 11; Delete the word “those” and replace it with “the financial penalties”.

#1, Section 7: Page 7. Suggestion – Require a \$10 fee to keep some bad faith or frivolous complaints from pouring in.

#1, Section 9: Page 8. The board cannot be the 1) investigator, 2) accuser, AND 3) fact-finder.

#2. Do we need to increase the minimums this much? It is probably wise to keep the minimums at the current rate to keep from having a chilling effect on recruiting people to run for public office.

#3. Why? What purpose is there for repealing criminal sanctions?

#4. Many requests are in need of clarification, redirection, or negotiation. It would be nice to add a time frame in which the actions stated above need to occur.

#7. This entire proposal is troublesome. Proposed policies should be scrutinized prior to being adopted. The language of this proposal could be interpreted in a way that could lead to presenting a proposal only to a decision-making body during a meeting at which it will vote to accept or decline a report, policy, or other action without public input. “at the time” on line 9 needs to be amended to include an earlier time. “prior to its submission” on line 6: To whom? Perhaps “prior to its submission to any member of a decision-making body.

#8. Add “(f)” “Any formal complaint of misconduct in office involving an alleged victim, with the exception of the complainant’s name if the complaint was permitted to be filed anonymously. The factual determinations and conclusions drawn in an investigation of such complaint and the final disposition or actions taken with respect to such complaint.

#9. Lines 20 – 22 on page 18: This doesn't make any sense. There is already a subparagraph (b). The statement itself, no matter where it is intended to be placed, is totally overbroad. It contradicts the language of proposed New Subsection [22.7(11A)] above it.

#14. Change the title of this from "Email Meetings" to "Virtual Meetings". Strike the word "email" on line 5 and capitalize the word "communications". On line 10, strike the word "emails" and insert in its place: "communications".

#15. On page 24, lines 7 & 15: insert the word "virtual" before the word "meeting". Add the following statement: "A virtual meeting includes a series of memoranda or communications forwarded between or among members of a government body or from one member to the next which is used to reach a consensus or lead to a vote on a matter within the decision or policy-making authority of the government body."

#16. Add "(c)" to the exceptions under subsection 3: "c. A 'virtual meeting' to the extent that such communications are posted or otherwise made accessible to the public."

#17. Consider the following amendments to Iowa Code:

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Other items:

22.7 Confidential records.

The following public records, or portions of public records, shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, ~~or~~ by another person duly authorized to release such information:

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Amend Iowa Code section 22, subsection 7, by adding the following new paragraph:
NEW SUBSECTION: 1A. Portions of otherwise public records are not confidential if records can be reasonably redacted to avoid disclosure of information that would be exempt from disclosure under subsection 1.

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There should be a requirement that governmental bodies, at a minimum, audiotape the proceedings of its meetings, and that the tapes not be destroyed until a specified amount of time has passed, but in no case, prior to approval of the minutes at the next meeting.

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For more information contact:

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